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Attorney for Defendant Robert A. Lund

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
PORTLAND DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ROBERT A. LUND,

Defendant.

Case No. 3:18-cr-180-SI
Case No. **3:19-cr-244-SI**

DECLARATION OF NOEL GREFENSON
IN SUPPORT OF DEFENDANT'S
UNOPPOSED MOTION TO CONTINUE
TRIAL

Under the penalty of perjury of the laws of the United States of America, I, Noel Grefenson, declare that the following facts are true and correct to the best of my knowledge and belief:

1. On September 5, 2019, I was appointed as counsel for defendant, Robert A. Lund, in each of the above referenced cases.

2. Although I have not had an opportunity to examine the bankruptcy fraud indictment in Case No. Case No. 3:18-cr-180-SI, I have examined the tax evaluation and theft of government services indictment in Case No. 3:19-cr-00244-SI. This latter indictment alleges tax evasion for tax years 1994 to 1996, which suggests that at least some of the operative facts in issue will involve events occurring 23 to 25 years ago.

In addition, this indictment alleges the use of over 160 nominee business entities to conceal assets or income including real property title transfers to various nominee entities and family members.

3. Based on the offenses charged in these indictments and my experience litigating federal criminal cases since approximately 1994, it is not possible for me to competently represent Mr. Lund at trial which occurs within 60 days of my appointment as his counsel. I believe the most reasonable course of action at this time is for counsel and Mr. Lund to discuss a meaningful trial schedule with the Court at the October 10, 2019, status conference.

4. Consistent with the Court's September 3, 2019, directive, shortly after my appointment I conferred with AUSA Seth Urham about these prosecutions and I conferred confer with Mr. Lund about them on September 13, 2019.

5. Mr. Urham does not oppose a continuance of the November 5, 2019 trial date in either case and agrees that counsel for the parties and Mr. Lund should discuss a meaningful trial schedule with the Court at the October 10, 2019, status conference.

6. During my conversation with Mr. Lund on September 13, 2019, he informed me that he has not and does not consent to voluntarily or willingly participate in either of these prosecutions. Mr. Lund however, agreed that I could request continuances of the scheduled trial proceedings for the reasons stated so long as the motions provide that he does not consent to these criminal proceedings and neither the Court nor the government may construe these continuance requests as a waiver of the original and personal jurisdictional challenges made in his sui juris motions to dismiss which the Court denied on September 3, 2019.

2 – DECLARATION OF NOEL GREFENSON IN SUPPORT OF DEFENDANT'S
MOTION TO CONTINUE TRIAL

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Mr. Lund and I discussed his rights to a speedy trial under the Speedy Trial Act and he confirmed for me that he understands those rights, that a continuance of trial will result in excludable delay and that I should address a new trial schedule with the Court on October 10, 2019.

7. During my conversation with Mr. Lund, he directed me to submit a Motion for a Faretta Hearing, Waiver of Counsel and Appointment of Standby Counsel which I agreed to file together with this motion for consideration at the October 10, 2019, status conference.

8. For the reasons stated, I believe a continuance of the November 5, 2019, trial date in these cases is reasonable and necessary and request that the Court address a new trial schedule and the status of my representation of Mr. Lund on October 10, 2019.

9. Under Penalty of Perjury of the Laws of the United States, I declare that the foregoing factual representations are true and correct to the best of my knowledge and belief.

Dated: September 17, 2019.

/s/ Noel Grefenson

Noel Grefenson, OSB No. 882168
Attorney for Defendant Robert A. Lund